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EXAMINER

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ART UNIT

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2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/607,107 | Applicant(s) GUO ET AL. | |
| | Examiner Aamir Haq | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 2/21/2007. Claims 1 – 9, 11 – 21, and 23 – 28 are now pending in the present application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 13 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 13 and 24 are directed to a program. This is non statutory as per the Interim Guidelines for Examination of Patent Application for Patent Subject Matter Eligibility (see pg. 53). The claim must define structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized. For example, a "computer readable medium encoded with a computer program" is statutory. Additionally, a "computer readable medium encoded with instructions capable of being executed by a computer" is statutory. All dependent claims and subsequent recitations are also rejected. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5, 9, 12, 13, 14, 16, 17, 21, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,160,877 (Tatchell et al.) hereinafter "Tatchell".

As to claims 1, 13, 24 and 26, Tatchell teaches a telephone system for connecting callers and users, comprising: user specifiable means for defining at least one filter for filtering incoming calls (i.e. "screening") and taking user definable responses on incoming calls that satisfy the requirement of said at least one filter, in which:

- the user specifies a profile (col. 4 line 5, fig. 5a, col. 20 lines 21 – 34, and col. 8 lines 5 - 24). Note that "home", "work", and "cellular" reads on the claimed profile.
- the user has the option of modifying parameters of the specified profile (Abstract, col. 4 lines 27 - 30, and col. 10 lines 1 – 5) including specifying at least one filter in the profile and specifying user specifiable parameters thereof (col. 13 lines 38 – 49 and col. 18 line 55 – col. 19 line 18);
- the telephone system includes means for guiding the user through a setup sequence (see figs. 6 and 7);
- the telephone system includes means for applying the user specified profile and for modifying the user specified profile in response to a location of the user (see fig. 8c and col. 20 lines 21 – 34, col. 4 lines 22 – 26, col. 7 lines 1 – 9, col. 9 line 64 – col. 10 line 5). Tatchell teaches locations are applied and modified based on location. For example, if the user has moved from his house to his office, the

system of Tatchell modifies/changes the profile from “home” to “office”. Thus, the “office” profile is applied instead of the “home” profile.

As to claims 2 and 14, Tatchell teaches that at least one profile depends on the status of the user (see above citations and col. 19 lines 1 – 19), selected by the user from a list of at least two profiles (e.g. home, office, special, work, etc.), with a set of responses correlated with the status specified in the selected profile. Tatchell reads on this limitation in multiple ways. Status can be interpreted as the user’s location. For example, the system can change the profile based on where the user is located. Each profile could have different responses on how to handle calls. The “office” profile may direct certain phone numbers to voicemail, while the “home” profile may route all calls to the users phone.

Alternatively, the status can be interpreted as the user’s state. For example, the user may be waiting for an important/emergency call. In such a situation, the user can select the emergency profile. In response to this selection, the system will respond by sending all calls to voicemail except for call from a specific name or CLID (see example in col. 19 lines 1 – 19).

As to claims 4 and 16, Tatchell teaches changing profiles based on the time of the day (see table 6.0 of Tatchell). Moreover, Tessler teaches multiple responses can be sent based on the identity of the calling party. For example, the response could either be a message stating “the caller you are trying to reach is not accepting calls at this time” (col. 19 lines 3 – 5), or the call could be forwarded to a different number, or the call could be forwarded to voicemail. Thus, there could be a plurality of responses

to an incoming call (based on the identity of the calling party) during a single profile (e.g. office, work, home, etc.).

As to claims 5 and 17, Tatchell has been discussed above. In addition, see table 6.0.

As to claims 9 and 21 Tatchell has been discussed above. In addition, the at least two filters apply a different response to an incoming call of the same category (Abstract and fig. 5a, 5b, and tables 1 – 5).

As to claim 12, see fig. 5a and 5b and col. 19 lines 1 – 19.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, 6-8, 11, 15, 18-20, 23, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) hereinafter "Tatchell" in view of US 6,707,901 (Hodges et al.) hereinafter "Hodges".

As to claims 3, 6, 7, 8, 15, 18, 19, and 20, Tatchell discloses selecting a profile and routing according the time the calling party calls. However, Tatchell does not disclose expressly that the system accounts for the time zone in which the user is located and the time of day in that time zone. However, Hodges teaches a screening system that accounts for the time zone in which the user is located and the time of day

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in that time zone (col. 3 lines 41 – 55, col. 5 lines 21 – 37, and col. 9 line 48 – col. 10 line 18 of Hodges).

Tatchell and Hodges are analogous art because they are from the same field of endeavor, namely call screening. At the time of the invention it would have been obvious to one of ordinary skill in the art to account for the time zone in which the user is located and the time of day in that time zone in the system of Tatchell in view of the teachings of Hodges. The motivation for doing so would have been to account for time changes due to traveling/visiting other countries and route accordingly. If the user were in Europe, the system should account for the local time in Europe. For example, the user may have set the system to route all calls after 5pm to his voicemail and all calls before 5pm to his cellular phone. If a person calls at 6pm from the United States the local time in Europe may be 10am. In this situation, the system should account for the European local time and route the call to the user's cellular phone, instead of the voicemail. This would be possible if the teachings of Hodges were incorporated into Tatchell. It should be noted that Tatchell teaches changing profiles based on the time of the day (see table 6.0 of Tatchell).

As to claims 25, 27, and 28, see col. 5 lines 50 – 64 of Hodges.

5. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 20070047714 (Baniak et al.) hereinafter "Baniak".

As to claims 11 and 23, Tatchell has been discussed above. Tatchell does not disclose expressly that calls that satisfy a specified criterion pass through the filter even though they do not satisfy another criterion of the filter. However, Baniak teaches calls that satisfy a specified criterion pass through the filter even though they do not satisfy another criterion of the filter ¶0068 of Baniak). Baniak and Tatchell are analogous art because they are from the same field of endeavor, namely call screening. At the time of the invention it would have been obvious to one of ordinary skill in the art to let a call pass through even though it does not satisfy all the criterion of the filter in the system of Tatchell in view of the teachings of Baniak. The motivation for doing so would have been to be able to override the system in cases of emergencies. For example, Baniak teaches that override codes could be given to certain people who may need to override the system in cases of high importance or emergencies. Thus, a calling party may be able to connect to the called party instead of being routed to voicemail, as is normally done.

Response to Arguments

6. Applicant's arguments with respect to claims 1 – 9, 11 – 21, and 23 – 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamir Haq whose telephone number is 571-272-5511. The examiner can normally be reached on Mon thru Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A.H.
May 16, 2007



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